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9	BEFORE THE
10	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
11	STATE OF CALIFORNIA
12	In the Matter of the Accusation Against: Case No. 2013-690
13	BETTY JUNE DUCKWORTH A C C U S A T I O N aka BETTY DUCKWORTH
14	198 Mountain View Street Glide, OR 97443
15	Registered Nurse License No. 454651
16 17	Respondent.
18	•
19	Complainant alleges:
20	PARTIES
21	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22	official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23	Consumer Affairs.
24	2. On or about July 31, 1990, the Board of Registered Nursing issued Registered Nurse
25	License Number 454651 to Betty June Duckworth, also known as Betty Duckworth
26	(Respondent). The Registered Nurse License was in full force and effect at all times relevant to
27	the charges brought herein. The Registered Nurse license expired on November 30, 2011, and
28	has not been renewed.

#### **JURISDICTION**

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

#### STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action. . . .

#### COSTS

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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#### **CAUSE FOR DISCIPLINE**

#### (Out of State Discipline Against Respondent's Nursing License)

- 8. Respondent has subjected her license to disciplinary action under section 2761, subdivision (a)(4) of the Code in that her registered nurse license was disciplined by the Oregon State Board of Nursing (Oregon Board). The circumstances are as follows:
- On or about March 7, 2005, Respondent was caring for a post repeat C-section patient (SH) at a hospital in Roseburg, Oregon. Respondent conducted a full assessment of SH when the patient arrived at 0900. A physician examined SH at 0930. For the next hour, Respondent performed and charted fundal checks every 15 minutes. At 1030, Respondent stated that she performed a fundal check and that all vital signs for SH were within normal limits, however the record does not contain documentation to support this. While attending to other patients, at a load rate that exceeded departmental policies, Respondent received word that SH's vital signs were low. At approximately 1130, Respondent checked SH; the patient's vitals were low but she was sitting up in bed, talking, pink, and appeared comfortable. Respondent did not conduct a detailed physical assessment of SH, and left to attend to another patient's bleeding. The charge nurse reported to Respondent at 1215 that she had just taken a lunch tray to SH and at that time the patient was sleeping and appeared fine. Respondent left for her lunch break without checking SH further, even though protocol required that she check SH's vitals and perform a fundal check at 1215. At 1250, a certified nurse assistant went to check SH's vital signs and found the patient unresponsive and without a pulse. A code was called, but attempts to resuscitate SH were unsuccessful. Respondent admitted that she should have rechecked SH's vital signs and performed a fundal check at 1215 prior to going to lunch. The Oregon Board could not determine whether such a check would have prevented the patient's death.
- 10. Based on these facts and circumstances, the Oregon Board concluded that Respondent's conduct constituted a practice of nursing derogatory to the standards of nursing in violation of Oregon Revised Statutes (ORS) 678.111(1)(f), and Oregon Administrative Rules (OAR) 851-045-0015(1)(c), (1)(d), (3)(b), and (3)(h) as follows:

#### 11. ORS 678.111:

Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
  - (f) Conduct derogatory to the standards of nursing.

#### 12. OAR 851-045-0015:

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (1) Conduct related to the client's safety and integrity:
- (a) Failing to implement and/or follow through with the plan of care.
- (d) Failing to modify, or failing to attempt to modify the plan of care as needed based on nursing assessment and judgment, either directly or through proper channels.
  - (3) Conduct related to communication:
- (b) Incomplete record keeping regarding client care; including but not limited to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given.
- (h) Failing to communicate information regarding the client's status to members of the health care team (physician, nurse practitioner, nursing supervisor, nurse co-worker) in an ongoing and timely manner.
- 13. Respondent agreed to dispense with the matter by stipulation. On February 9, 2006, in case number 05-389, the Oregon Board found that reasonable factual and legal grounds existed to support approval of the stipulation. Respondent's registered nurse license was suspended for 30 days. Respondent was ordered to complete a course of study in Documentation, Professional Accountability, and OB Emergencies, and write a paper on each topic presenting an outline of the course and the information that she could apply to her practice as a registered nurse.

#### **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 454651, issued to Betty June Duckworth, also known as Betty Duckworth;
- 2. Ordering Betty June Duckworth to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
  - 3. Taking such other and further action as deemed necessary and proper.

DATED: <u>Jeloniany</u> 28, 2013

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California Complainant

SD2012704677